

No. _____

STATE OF TEXAS

§ IN THE COURT OF CRIMINAL APPEALS
 § COURT OF CRIMINAL APPEALS

V.

§ 7/31/2017
 § DEANA WILLIAMSON, CLERK

AMANDA WATERS

§
 § OF TEXAS

STATE'S FIRST MOTION TO EXTEND TIME TO FILE
A PETITION FOR DISCRETIONARY REVIEW

TO THE HONORABLE JUDGES OF SAID COURT:

Now comes the State of Texas, Appellant, in the above styled and numbered cause and moves this Court to grant an extension of time to file the State's Petition for Discretionary Review, pursuant to Texas Rules of Appellate Procedure 68.2(c) and 10.5(b), and for good cause shows the following:

1. On June 29, 2016, the judge in Wichita County's County Court at Law No. 2 granted Amanda Waters', Appellee, Application for Writ of Habeas Corpus, preventing the State from prosecuting Appellee in cause 68,878-F under the theory of collateral estoppel. Appellee is not incarcerated in this cause.
2. On July 14, 2016, the State filed a Notice of Appeal.
3. On July 7, 2017 the Court of Appeals, Second District issued its judgment in The State of Texas v. Amanda Waters, cause number 02-16-00274-CR.
4. No motion for rehearing or en banc reconsideration was filed.

5. The State's Petition for Discretionary Review is currently due Saturday, August 5, 2017.
6. This is the State's first request for an extension of time. In support of good cause for the extension, the State shows the following:
 - a. On July 19, 2017, I submitted a brief to the Court of Appeals, Second District in cause 02-17-00050-CR;
 - b. On July 24, 2017, I prepared Findings of Fact and Conclusions of Law in cause 40,801-C, on remand from this Court in Cause WR-84,852-03;
 - c. As of today, I have a brief due in the Court of Appeals, Second District in cause 02-16-00274-CR, but am requesting an extension;
 - d. I have been scheduled to take a vacation from Monday, July 31 to Friday, August 4, since May 17, 2017;
 - e. I am scheduled to submit a brief in cause 02-17-00192-CV to the Court of Appeals, Second District on August 8, 2017 on a case involving the Texas Department of Family and Protective Services;
 - f. I am scheduled to submit a brief in cause 02-17-00027-CR to the Court of Appeals, Second District on August 16, 2017 regarding Evading with a Vehicle; and,

- g. I am currently working on other habeas corpus issues on remand from this Court, responding to miscellaneous post-conviction pro se motions, and am assisting other Assistant District Attorneys with hearings and trial.
7. Appellee does not oppose the State's First Motion to Extend Time to File a Petition for Discretionary Review.
8. The State respectfully requests a twenty-eight day extension to prepare its brief.
- It is therefore requested that the time for filing a petition for discretionary review be extended twenty-eight days to Friday, September 1, 2017.

Respectfully Submitted,

/s/ Jennifer Ponder

Assistant Criminal District Attorney

Wichita County, Texas

State Bar No. 24083676

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CERTIFICATE OF CONFERENCE

I, Jennifer Ponder, certify that on July 20, 2017, I discussed this Motion with Scott Stillson, attorney for Appellee, and he indicated that he does not oppose State's First Motion to Extend Time to a File Petition for Discretionary Review.

/s/ Jennifer Ponder

CERTIFICATE OF SERVICE

I, Jennifer Ponder, certify that on July 24, 2017, I served a copy of State's First Motion to Extend Time to File a Petition for Discretionary Review on the parties listed below by electronic service and that the electronic transmission was reported as complete. My e-mail address is jennifer.ponder@co.wichita.tx.us.

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/s/ Jennifer Ponder